

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
June 20, 2011 – 6:00 PM**

**J. NEWTON COHEN, SR. ROOM
J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING**
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Present: Chad Mitchell, Chairman
Carl Ford, Vice-Chairman
Jon Barber, Member
Raymond Coltrain, Member
Jim Sides, Member

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Mitchell convened the meeting at 6:00 pm.

Commissioner Ford provided the Invocation and also led the Pledge of Allegiance.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the minutes of the June 6, 2011 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

There were no additions to the agenda.

CONSIDER DELETIONS FROM THE AGENDA

Commissioner Ford made a motion to remove agenda item #11, as the matter was resolved during the earlier 4:00 pm budget work session. The motion was seconded by Commissioner Coltrain and passed unanimously.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Sides moved, Commissioner Barber seconded and the vote to approve the agenda passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Sides asked to remove Consent Agenda item E for discussion. Chairman Mitchell placed the issue on the agenda as item #11.

Commissioner Sides moved approval of the Consent Agenda. The motion was seconded by Commissioner Coltrain and passed unanimously.

The Consent Agenda consisted of the following:

- A. Set Public Hearing for July 5, 2011 for Proposed Road Name of Lodge Trail
- B. Set Public Hearing for July 5, 2011 for Proposed Road Name of Oliphant Lane
- C. Set Public Hearing for July 5, 2011 for Proposed Road Name of Middle Road
- D. Set Quasi-Judicial Hearing for July 5, 2011 for CUP 16-04 Amendment
- E. Equipment Grant Award and MOU For Companion Animal Mobile Equipment Transfers (CAMET) (moved to regular agenda for as item #11)
- F. Resolution Designating Deputy Finance Officers

WHEREAS, North Carolina General Statute Chapter 159-25(b) requires all checks or drafts on an official depository to be signed by the Finance Officer or properly designated Deputy Finance Officer; and

WHEREAS, North Carolina General Statute Chapter 159-25(b) further requires all checks or drafts on an official depository to be countersigned by the Chairman of the Board, the County Manager or another official designated by the governing board; and

WHEREAS, North Carolina General Statute Chapter 159-25(b) allows the board to waive the requirement for dual signatures when appropriate internal controls exist.

NOW, THEREFORE, BE IT RESOLVED by the Rowan County Board of Commissioners that Sandra Wilkes, Jane Johnson, Mary Sloop and Nancy Brandt be designated as Deputy Finance Officers and given authority to sign and countersign checks for the Department of Social Services Agency Account. Dual signatures shall be required on all checks written from this account.

BE IT FURTHER RESOLVED by the Rowan County Board of Commissioners that Wendi Heglar be designated as a Deputy Finance Officer and given authority to sign checks for the Detention Center Account. The Rowan County Board of Commissioners further determines that proper internal controls exist and waives the requirement for dual signatures on this account.

BE IT FURTHER RESOLVED by the Rowan County Board of Commissioners that Larry Justice, an administrator of the County's third-party risk management company, be designated as a Deputy Finance Officer and given authority to sign checks for the Risk Management Account. The Rowan County Board of Commissioners further determines that proper internal controls exist and waives the requirement for dual signatures on this account.

- G. Resolution Levying a Tax on Gross Receipts Derived From Retail Short-Term Lease or Rental of Heavy Equipment

WHEREAS, the North Carolina General Assembly has ratified Senate Bill 1852, which has been designated as Session Law 2008-144 (the "Act"); and,

WHEREAS, the Act repealed the property tax on certain heavy equipment leased or rented under retail short-term leases or rentals and authorized local governments to replace the lost tax revenue through enactment of a local tax on gross receipts derived from the retail short-term lease or rental of that heavy equipment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Rowan County, North Carolina (the "County") that:

Section 1. Definitions. In addition to the common meanings of words, the following definitions shall be applicable herein:

- (a) "Customer" shall mean any person that leases or rents heavy equipment on a short-term lease or rental basis.
- (b) "Finance Director" shall refer to that individual appointed pursuant to G.S. §159-24 to serve as Finance Director (or other reasonably descriptive title as provided in G.S. §159-24) for the County and any other person authorized to carry out the duties and functions of such individual.
- (c) "General Statutes" shall refer to the North Carolina General Statutes and any reference to a particular section thereof shall include the same as may be from time to time amended, modified, supplemented, revised or superseded.
- (d) "Gross receipts" shall mean the amount that is or would be reported as gross receipts on a business's state income tax return, or on the federal income tax return filed with the state income tax return if the state return does not separately state gross receipts for the most recently completed tax year. Taxes collected hereunder are not subject to the tax herein imposed and are not included in gross receipts.
- (e) "Heavy equipment" shall mean earthmoving, construction or industrial equipment that is mobile, weighs at least 1,500 pounds, and is either:
 - (i) A self-propelled vehicle that is not designed to be driven on a highway; or
 - (ii) Industrial lift equipment, industrial material handling equipment, industrial electrical generation equipment, or a similar piece of industrial equipment.

The term includes an attachment for heavy equipment, regardless of the weight of the attachment.

[G.S. §153A-156.1]

- (f) "Lease or rental" shall mean a transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. The term does not include any of the following:
 - (i) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments.
 - (ii) A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price that does

not exceed the greater of one hundred dollars (\$100.00) or one percent (1%) of the total required payments.

(iii) The providing of tangible property along with an operator for a fixed or indeterminate period of time if the operator is necessary for the equipment to perform as designed. For the purpose of this subparagraph, an operator must do more than maintain, inspect or set up the tangible personal property.

[G.S. §105-164.3(17)]

(g) "Long-term lease or rental" shall mean a lease or rental made under a written agreement to lease or rent property to the same person for a period of at least three hundred sixty-five (365) continuous days. [G.S. §105-187.1(3)]

(h) "Person" shall mean any individual, trustee, executor, other fiduciary, corporation, unincorporated association, partnership, sole proprietorship, company, firm or other legal entity.

(i) "Short-term lease or rental" shall mean any lease or rental that is not a long-term lease or rental. [G.S. §153A-156.1(a)(2) and G.S. §105-187.1(7)]

(j) "Taxpayer" means any person liable for the taxes imposed by this Resolution.

Section 2. Levy of Tax. A tax is hereby imposed and levied in an amount equal to one and two-tenths percent (1.2%) of the gross receipts derived from the short-term lease or rental of heavy equipment at retail. This tax on gross receipts is in addition to the privilege taxes authorized by G.S. §153A-152. [G.S. §153A-156.1(b)]

Section 3. Collection of the Tax. Every person whose principal business is the short-term lease or rental of heavy equipment at retail shall collect at the time of the lease or rental, or at the time of the payment of the consideration therefor, the tax herein levied. A person is not considered to be in the short-term lease or rental business if the majority of the person's lease and rental gross receipts are derived from leases and rentals to a person who is a related person as defined under G.S. §105-163.010.

The tax so collected shall be placed in a segregated account, and thereafter remitted to the Finance Director in accordance with the provisions of this Resolution. The taxpayer shall include a provision in each retail short-term lease or rental agreement, or other documentation evidencing the transaction, stating that the percentage amount enacted by this Resolution of the total lease or rental price, excluding sales tax, is being charged as a tax on gross receipts. The amount of the tax shall be stated separately from the lease or rental and shown separately on the taxpayer's records. The tax shall be paid by the customer to the taxpayer as trustee for and on account of the County. The taxpayer shall be liable for the collection thereof and for its payment to the Finance Director and the taxpayer's failure to charge or to collect said tax from the customer shall not affect such liability.

[G.S. §153A-156.1(b)]

Section 4. Report and Payment of Tax. Taxes levied under this Resolution are due and payable when a return is required to be filed. Every taxpayer shall, within the time specified, submit a return to the Finance Director on the form prescribed by the Finance Director. A return must be signed by the taxpayer or the taxpayer's agent. Returns of taxpayers are due to the Finance

Director for each calendar quarter on or before the last day of the month following the end of the quarter in which the tax accrues. As provided in G.S. §153A-156.1, a return shall not be considered a public record and information contained in a return may be disclosed only in accordance therewith. [G.S. §153A-156.1(c)]

Section 5. Taxpayer to Keep Records. The taxpayer shall keep and preserve suitable records of the gross receipts received by such taxpayer in the conduct of business and such other books or accounts as may be necessary to determine the amount of the tax for which such taxpayer is liable under the provisions of this Resolution. It shall be the duty of the taxpayer to keep and preserve for a period of three years all such records of gross receipts and other books and accounts described. All records, books and accounts herein described shall be open for examination at all reasonable hours during the day by the Finance Director or the Finance Director's duly authorized agent.

Section 6. Finance Department to Provide Forms. The Finance Director shall design, prepare, print and make available to all taxpayers operating within the boundaries of the County forms and instructions for filing returns to insure a full collection of and an accounting for taxes due. The failure of any taxpayer to obtain or receive forms shall not relieve such taxpayer from the payment of the tax at the time and in the manner provided.

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Section 7. Situs. Gross receipts from the short-term lease or rental of heavy equipment are subject to the tax imposed by this Resolution if the place of business from which the heavy equipment is delivered is located within the boundaries of the County. [G.S. §153A-156.1(b)]

Section 8. Penalties and Remedies. The provisions with respect to penalties and collection remedies that apply to the payment of sales and use taxes under Article 5 of Chapter 105 of the General Statutes shall be applicable in like manner to the tax authorized to be levied and collected under this Resolution, to the extent that the same are not inconsistent with the provisions hereof. The Finance Director may exercise any power the Secretary of Revenue may exercise in imposing these penalties and remedies. [G.S. §153A-156.1(d)]

Section 9. Severability. If any section, clause or provision of this Resolution shall be found to be invalid, the validity of the remaining sections, clauses or provisions shall not be affected thereby.

Section 10. Authority. This Resolution is enacted pursuant to the provisions of G.S. §153A-156.1.

Section 11. Effective Date. This Resolution and the taxes thereby levied and imposed shall become effective October 1, 2011.

- H. Consider Recommendation for Architectural Services of New Telecommunications Facility
- I. HCCBG 2011-12 Spending Plan for Senior Services Programs

2. PUBLIC COMMENT PERIOD

Chairman Mitchell opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Tina Hall, a former County Commissioner, thanked the Board for its efforts to change forced annexation laws. Ms. Hall said due to the Board's persistence, along with other, changes were made. Ms. Hall also thanked the Board for its support of the school children. Lastly, Ms. Hall referred to a motion made during the work session for a cut in the Commissioners' salaries. Ms. Hall suggested that instead Commissioners' donate their salary back when they must miss a meeting.

Commissioner Sides made several comments regarding the City of Salisbury's annexation plans and marketing efforts.

With no one else wishing to address the Board, Chairman Mitchell closed the Public Comment Period.

3. DISCUSSION REGARDING PROCEEDINGS FOR CUP 02-10 FOR DAVIDSON COUNTY BROADCASTING, INC.

Attorney Anthony Fox, representing the County in the case for CUP 02-10, stated that a motion had been made by the Citizens Group to dismiss the action under the legal principles of *Res Judicata*, which suggests that decisions to be made in the current action are identical to those made in a prior action and serves as a precedent and prohibits the reconsideration of that item. Mr. Fox said the attorneys for the Citizens Group had requested to be heard on the motion.

Mr. Fox said in regards to the application, it was important for the Board to have no communications or contact with either side by which information might be gained regarding the matter to be heard. Mr. Fox also encouraged the attorneys for both parties to refrain from any contact with the Board of Commissioners prior to the hearing.

Mr. Fox highlighted the proposed procedures for the hearing as outlined in the agenda packet.

Mr. Fox said both parties had stipulated that a court reporter would prepare the verbatim minutes and the court reporter would be retained and paid for by both parties.

Commissioner Sides asked if the meeting could be recorded and televised as other commission meetings were and Mr. Fox said yes.

Mr. Fox asked if the Board could allow the parties to hold a hearing on July 5, 2011 for the motion. Mr. Fox also asked that the Board place the rules of procedure on the agenda for approval.

Commissioner Sides moved to set July 5, 2011 (to hear the motion) and to add the rules and procedures to the agenda. The motion was seconded by Commissioner Ford and passed unanimously.

Chairman Mitchell referred to item #9 on page 4 and questioned the time limit for receiving evidence from other members of the public. Mr. Fox said if the Board was going to allow two (2) hours for each side, the Board might also want to dedicate one (1) hour per side for the public testimony. Mr. Fox said the time limit could be designated; however, he said the Board did not have to allow utilization of the time if the evidence was redundant.

The Board briefly discussed potential dates and times for the actual hearing. Mr. Fox said the August 1, 2011 meeting date had been favorable with the other parties; however, he suggested that the Board wait until July 5, 2011 before setting the public hearing date/time.

4. PUBLIC HEARING FOR PROJECT TREE

Economic Development Director Robert Van Geons presented the economic impact analysis for the proposed expansion of Project Tree, or Universal Forest Products (Company). Jeff Richard, Plant Manager was also in attendance.

Mr. Van Geons reported that since 1974, the Company had operated a facility at 358 Woodmill Road and currently employed 144 at the site. The Company has expressed an interest in purchasing the vacant Maxon Building at 520 Grace Church Road where it would establish a new, separate and additional location. The facility on Woodmill Road would also remain open.

The proposed project would represent approximately \$1 million of new investment and create 49 new positions, with average wages exceeding \$37,000 per year. Mr. Van Geons said the site was zoned appropriately for the use.

Mr. Van Geons said the Company was in discussions with the State of North Carolina for possible grant assistance through the One NC Fund. The grants would require a local match through non-state sources. The Company was requesting that Rowan County contribute \$37,500 as part of the local match. Mr. Van Geons said the City of Salisbury was also being asked to contribute \$37,500 towards the project, to be combined with assistance from Duke Energy.

Chairman Mitchell opened the public hearing to receive citizen input regarding the proposed economic development incentive for Universal Forest Products. With no one wishing to address the Board, Chairman Mitchell closed the public hearing.

Commissioner Coltrain moved to approve the request and he thanked the company representatives for considering Rowan County. The motion was seconded by Commissioner Barber.

Commissioner Sides said he favored the company being in Rowan County and he expressed hope for the expansion. Commissioner Sides said he could not support the request, as he was opposed to incentives.

Upon being put to a vote, the motion on the floor passed 4-1 with Commissioner Sides dissenting.

5. PUBLIC HEARING (CLOSEOUT) FOR CDBG SCATTERED SITE HOUSING PROJECT

Hobbs & Upchurch Rehabilitation Specialist Michael Kepley said Rowan County was awarded a \$400,000 Community Development Block Grant (CDBG) from the North Carolina Department of Commerce's Division of Community Assistance (NC DCA) in November 2008. Mr. Kepley said the County's program provided substantial rehabilitation to seven (7) homes and emergency rehabilitation to nine (9) homes.

Mr. Kepley reported that in November 2010, representatives from NC DCA conducted a monitoring visit and the findings from the visit were satisfactory in all state and federal program areas.

Mr. Kepley said notice for the current public hearing was posted in the Salisbury Post on June 10, 2011.

In response to a query from Commissioner Coltrain, Mr. Kepley confirmed that all funds were utilized and that more funds could have been used if they had been available.

Chairman Mitchell opened the public hearing to receive citizen input regarding the closeout of the CDBG Scattered Site Housing Project. The following individual came forward:

- Ms. Gladys Morris, a recipient of the funds appropriated for the project, expressed appreciation to the Board for the efforts of the program. Ms. Morris said she was happy with the repairs that had been made to her home and that she knew it would be more comfortable and also be more energy efficient.

With no one else wishing to address the Board, Chairman Mitchell closed the public hearing.

Commissioner Barber moved to authorize the grant closeout. The motion was seconded by Commissioner Coltrain.

Commissioner Sides thanked Hobbs & Upchurch, specifically Mr. Kepley and staff, for a great job in managing the program over the past few years. Commissioner Sides expressed appreciation for the positive impact of the program, as well as for the positive feedback received from citizens.

Upon being put to a vote the motion on the floor passed unanimously.

6. CONSIDER APPROVAL OF JOINT RESOLUTION REGARDING PBH

Chairman Mitchell discussed the request from the North Carolina Department of Health and Human Services (DHHS) regarding a partnership for the Alamance-Caswell Local Management Entity (LME) with PBH. Chairman Mitchell said the effort would support the DHHS effort to expand the Medicaid 1915(b)(c) Waiver.

Commissioner Coltrain moved to approve the Resolution. The motion was seconded by Commissioner Barber.

Commissioner Barber praised the operations of PBH and its board members.

Upon being put to a vote, the motion on the floor passed unanimously.

The Resolution read as follows:

**JOINT RESOLUTION
OF THE BOARDS OF COUNTY COMMISSIONERS
OF ALAMANCE, CABARRUS, CASWELL, DAVIDSON, ROWAN,
STANLY, AND UNION COUNTIES**

WHEREAS, the Boards of County Commissioners of Cabarrus, Davidson, Rowan, Stanly, and Union Counties by Joint Resolution effective January 1, 2004, established the Piedmont Area Mental Health, Developmental Disabilities, and Substance Abuse Authority;

WHEREAS, the Boards of County Commissioners of Cabarrus, Davidson, Rowan, Stanly, and Union Counties by Joint Resolution adopted March 16, 2009, changed the name of the Piedmont Area Mental Health, Developmental Disabilities, and Substance Abuse Authority to "PBH";

WHEREAS, the Boards of County Commissioners of Alamance and Caswell Counties by Joint Resolution effective July 1, 2009, established the Alamance-Caswell Area Authority;

WHEREAS, the Boards of County Commissioners of Alamance, Cabarrus, Caswell, Davidson, Rowan, Stanly, and Union Counties now desire to establish a single Area Authority:

NOW, THEREFORE, BE IT RESOLVED JOINTLY as follows:

Section 1. Resolution and Purpose

It is in the interest of the public health and welfare to create an Area Authority to operate North Carolina's 1915(b)(c) Medicaid Waiver and to manage all public resources that may become available for mental health, intellectual and developmental disabilities, and substance abuse

services, including federal block grant funds, federal funding for Medicaid and Health Choice, and all other public funding sources.

Section 2. Establishment of PBH

There is hereby created and established pursuant to G.S. 122C-115(c) an Area Authority known as PBH. Pursuant to the 1915(b)/(c) Medicaid Waiver and 42 C.F.R. 438.2, PBH shall operate as a Prepaid Inpatient Health Plan.

Section 3. Powers, Duties and Responsibilities

PBH shall have the powers, duties, and responsibilities conferred upon it by G. S. 122C, the 1915(b)/(c) Medicaid Waiver, and 42 C.F.R. Part 438.

Section 4. Area Board

There is hereby created and established pursuant to G.S. 122C-117(b) an Area Board, which shall be the governing unit of PBH. The Area Board shall be composed of 21 members, with 3 members from each participating county, and shall be structured in accordance with G.S. 122C-118.1.

Section 5. Organization of the Area Board

The Area Board shall elect a Chair and a Vice-Chair and shall be organized in accordance with G.S. 122C-119.

Section 6. Area Director

The Area Board shall appoint an Area Director in accordance with G.S. 122C-117(7) and 122C-121(d). The Area Director shall serve as the Chief Executive Officer of PBH.

Section 7. Amendment

This Joint Resolution may be amended by a resolution jointly approved by the Boards of Commissioners of the participating counties.

Section 8. Effective Date

This Joint Resolution shall be effective as of October 1, 2011.

ADOPTED AND RATIFIED in five counterparts by the Boards of Commissioners of Alamance, Cabarrus, Caswell, Davidson, Rowan, Stanly, and Union Counties.

7. DISCUSSION REGARDING JULY MEETING SCHEDULE

Chairman Mitchell said the Board had typically voted in the past to hold one (1) Commission Meeting during the month of July and he opened the floor for discussion as to the members' preferences.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to cancel the second meeting in the month of July passed unanimously.

8. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Library – Additional revenue for gifts – to be used for Teen Programming - \$6,547
- Sheriff – Recognize excess revenue and budget to proper expense account - \$10,540
- Sheriff – Increase budget for Detention Center inmates' drugs and medicines - \$5,000
- Finance – Close Fund 310, Justice Center III Capital Projects Fund - \$298,960
- Finance – Close Fund 311, DSS Facility Capital Projects Fund - \$194,360
- Finance – Close Fund 312, Town Creek Sewer Capital Projects Fund - \$360,015

Commissioner Sides moved approval of the budget amendments as presented. The motion was seconded by Commissioner Coltrain and passed unanimously.

9. CONSIDER APPROVAL OF BOARD APPOINTMENTS
AIRPORT ADVISORY BOARD

There were two (2) vacancies and the following applications were received:

- Ronald Steelman for reappointment
- Brian Cooker for reappointment
- Lawrence Macon
- Greg Edds

The terms would be for three (3) years beginning July 1, 2011 and expiring June 30, 2014.

- Commissioner Ford nominated Greg Edds.
- Commissioner Sides nominated Ronald Steelman.
- Commissioner Coltrain nominated Lawrence Macon.
- Commissioner Barber nominated Brian Cooker.

Chairman Mitchell said each Commissioner would be allowed two (2) votes for the selection of two (2) Airport Advisory Board members. The votes were cast as follows:

Ronald Steelman received unanimous approval.

Brian Cooker received one (1) vote of support from Commissioner Barber.

Lawrence Macon received one (1) vote of support from Commissioner Coltrain.

Greg Edds received three (3) votes of support from Commissioners Sides, Ford and Mitchell.

Ronald Steelman and Greg Edds were appointed to the Airport Advisory Board.

PERSONNEL COMMISSION

Greg Edds submitted a letter of resignation, creating the second vacancy on this Commission.

Stephen Kidd submitted an application for consideration.

The term would be for four (4) years beginning July 1, 2011 and expiring June 30, 2015.

Commissioner Sides moved, Commissioner Ford seconded and the vote to accept the resignation from Mr. Edds passed unanimously.

Commissioner Ford nominated Stephen Kidd and the nomination passed 4-1 with Commissioner Coltrain dissenting.

Commissioner Coltrain said he was opposed to the nomination since Mr. Kidd did not appear to have experience in personnel matters. Commissioner Sides responded that Mr. Kidd owned a business and also had employees.

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

Flora White submitted an application for consideration. The appointment would be for one (1) year beginning July 1, 2011 and expiring June 30, 2012.

Commissioner Coltrain nominated Flora White and the nomination carried unanimously.

PBH

William (Bill) Burgin submitted an application for reappointment. The term was for three (3) years beginning July 1, 2011 and expiring June 30, 2014.

Commissioner Ford nominated Bill Burgin and the nomination passed unanimously.

ROWAN CABARRUS COMMUNITY COLLEGE BOARD OF TRUSTEES

There was one (1) opening and the following applications were received:

- Dr. Lynn Marsh
- Carl (Chip) Short, Jr.
- Christina (Tina) Hall

The term is for four (4) years beginning July 1, 2011 and expiring June 30, 2015.

Commissioner Coltrain nominated Chip Short, stating that he was the current chair for the Board of Trustees.

Commissioner Sides nominated Tina Hall.

Commissioners Mitchell, Coltrain and Barber supported the nomination for Chip Short.

Commissioners Sides and Ford supported the nomination for Tina Hall.

Chip Short was appointed to the Rowan Cabarrus Community College Board of Trustees.

10. CONSIDER OFFER TO PURCHASE SLOAN PARK

County Manager Gary Page reported that an offer in the amount of \$50.00 was received from Ted Deal for the purchase of a house owned by the County at Sloan Park on Highway 150 West. Mr. Page said the house was located on a lot that experienced a fuel oil spill in November 2010.

Mr. Page said since November 2010, the County had remediated the spill, except for the area under the house. Mr. Page said staff was of the opinion to sell the house at the offered amount was the best option. In addition, the offer was contingent on moving the house within sixty (60) days, and the sale was considered as is. Mr. Deal would be required to sign a waiver and acknowledge the condition of the house.

Mr. Page said once the sale was complete and the house moved, staff would proceed with the clean-up of the remaining contaminated soil under the house, per NCDENR requirements.

Commissioner Sides moved to accept the offer of \$50.00 to begin the upset bid process. The motion was seconded by Commissioner Coltrain and passed unanimously.

Equipment Grant Award and MOU For Companion Animal Mobile Equipment Transfers (CAMET) (This topic was moved from the Consent Agenda for discussion)

Commissioner Sides reported that he had researched the issue and also met with Emergency Services Director Frank Thomason concerning the grant. Commissioner Sides said he had problems with the item and he then moved to decline.

Chairman Mitchell questioned the County's upkeep for the trailer and Commissioner Sides said there would be some long-term requirements; the County would have to maintain the trailer and there were costs associated with the upkeep.

The motion to decline acceptance of the unit was seconded by Commissioner Ford.

Commissioner Coltrain inquired as to Commissioner Sides' concerns other than the upkeep. Commissioner Sides said maintenance, upkeep and some of the requirements in the contract that would require staff time. Commissioner Sides said the contract was a "boiler plate contract" in which the language could not be changed.

Commissioner Coltrain said after reading the information and visiting with Mr. Thomason, he felt the trailer would be an asset to the community. Commissioner Coltrain said he supported enhancing the County's ability to meet possible needs for the community.

Upon being put to a vote, the motion on the floor passed 3-2 with Commissioners Coltrain and Barber dissenting.

11. DISCUSSION AND POSSIBLE ADOPTION OF 2011-12 BUDGET

This agenda item was approved during the June 20, 2011 Special Meeting held at 4:00 pm and was therefore deleted from the current agenda.

12. ADJOURNMENT

There being no further business to come before the Board, Commissioner Coltrain moved to adjourn at 6:51 pm. The motion was seconded by Commissioner Barber and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC, NCCCC
Clerk to the Board/Assistant to the County Manager